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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,885	09/12/2003	Seiji Hashimoto	1232-5139	6942
27123	7590	01/30/2008	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LE, TUAN H	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			01/30/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
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## Office Action Summary

Application No.

10/660,885

Applicant(s)

HASHIMOTO, SEIJI

Examiner

Tuan H. Le

Art Unit

2622

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 10/31/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

This Office Action responses to RCE filed on 10/31/2007.

Applicant's arguments with respect to claims 11-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Hsiao et al (U.S. Pat. 5781,651).**

Regarding **claim 13**, Hsiao discloses an image pickup apparatus for reading a fingerprint image (Fig. 4) comprising:

an image pickup unit (image sensor 4) for picking up an image of an object.

a detection circuit (inherent part micro-controller 51) for detecting flicker (Hsiao et al, column 4 lines 37-40, wherein flickering effect can be prevented by applying voltage pulses); and

light source (electroluminescent device ELD 2) for irradiating the object with a light, wherein

the image pickup apparatus comprises further

a control unit for controlling (micro-controller 51), based on a result of a detection by the detecting circuit, the light source (ELD) per each one period of the flicker such that the light source is turned from non-light emission state into a

light emission state (Hsiao et al, column 4 lines 37-40, wherein energizing voltage pulses for driving the ELD 2 is synchronized with the image recognizing procedure such as to prevent flickering effect), or a quantity of light emission from the light source increases at a timing when the amount of light that causes the flicker becomes a predetermined value or smaller.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsiao et al (U.S. Pat. 5781,651) and further in view of Nagaoka et al (U.S. Pat. 7,034,870).**

Regarding **claim 14**, Hsiao et al discloses all of the limitations of the parent claim 13. However, Hsiao et al does not disclose a period of accumulating the photoelectric charges per each one pixel of the image pickup unit is shorter than one period of the flicker.

On the other hand, Nagaoka et al discloses a period of accumulating the photoelectric charges per each one pixel of the image pickup unit is shorter than one period of the flicker (Nagaoka et al, Abstract, wherein charge storage time of a solid-state imaging device is set at an integer multiple of fluorescent lightning).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the charge storage time for an imaging device as described by Nagaoka et al into the compact fingerprint recognizing apparatus as described by Hsiao et al because such incorporation suppresses flicker generated in fluorescent lightning (Nagaoka et al, column 1 lines 10-14).

Regarding **claim 19**, Hsiao et al discloses an image pickup apparatus for reading a fingerprint image (Fig. 4) comprising:

- an image pickup unit (image sensor 4) for picking up an image of an object;

- a detection circuit (inherent part micro-controller 51) for detecting flicker (Hsiao et al, column 4 lines 37-40, wherein flickering effect can be prevented by applying voltage pulses); and

- light source (electroluminescent device ELD 2) for irradiating the object with a light, wherein

- the image pickup apparatus comprises further

- a control unit for controlling (micro-controller 51).

However, Hisao et al does not disclose based on a result of a detection by the detecting circuit, controlling the image pickup unit per each one of the flicker such that the one period of the flicker equals to a period of accumulating the photoelectric charges per each one pixel of the image pick up unit.

On the other hand, Nagaoka et al discloses based on a result of a detection by the detecting circuit, controlling the image pickup unit per each one

of the flicker such that the one period of the flicker equals to a period of accumulating the photoelectric charges per each one pixel of the image pick up unit (Nagaoka et al, Abstract, wherein charge storage time of a solid-state imaging device is set at an integer multiple of fluorescent lightning).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the charge storage time for an imaging device as described by Nagaoka et al into the compact fingerprint recognizing apparatus as described by Hsiao et al because such incorporation suppresses flicker generated in fluorescent lightning (Nagaoka et al, column 1 lines 10-14).

***Allowable Subject Matter***

**Claims 11, 12, and 15-18** are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither anticipates nor renders obvious the driving of an image device or a light source when flicker intensity is at a predetermined value.

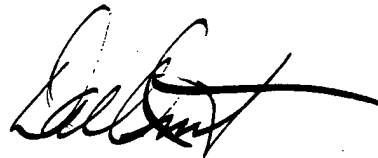
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan Le/

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER